

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF
FLORIDA

CASE NO. 23-CR-80184-DAMIAN
REINHART

UNITED STATES OF AMERICA,
Plaintiff

VS.

BAZELAIS FRANCOIS,
Defendant

FILED BY MC D.C.

JUN 13 2024

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

BAZELAIS FRANCOIS, JAKIT: 0542975

MOTION TO DISMISS THE INDICTMENT OF (HUMAN TRAFFICKING)
AND OR TO ALTERNATIVELY DOWNFILE THE
CRIME OFFENSE TO (ILLEGAL ENTRY)

Comes Now, The Defendant, BAZELAIS FRANCOIS BY and through
His Under Sign Attorney Moves the Honorable Court to Hereby,
Dismiss The Indictment of Human Trafficking or To Downfile
The Offense into A Lesser Included offense Due to A Defacto
arrest, There is no Prima Facie of Guilt or Sufficient Probable
Cause. IN SUPPORT OF:

ARGUMENT AND GROUNDS

ON AUGUST, 24TH, 2023, ^{During} EARLY FRIDAY Morning, At APPROXIMATELY
Palm Beach County JUPITER FLORIDA An An Caller R-
Ported A Suspicious Boat.

upon Law Agency Arrival, Numerous Individuals including the Def-
endant Fleed off of The boat and Ranned on Foot.

The accomendating Government Personnel Precieve The Defendant.
Do to The Color of his Shirt, That he was the believed Boat
Driver.

ENTRY (1) OF (5)

The Honorable Court Should Please Consider These Few Factors

1. The alleged Criminal offense allegedly, Committed has not been Proven by a Preponderance of Evidence.
2. A Global Government Analysis Vindicate The Defendant has no Record of any Violation or Similarities to Prior Alien Smuggling encourage or Induce aliens to Enter The United State in Violations of 8 U.S.C § 1324 (a) (b) (iii)
3. ICE Agency upon Investigation and Interrogation of Credible Eye-witness Identification Supplied The Defendant was not The Captain
4. He Did not arrange The Trip / Voyage
5. No Payment was Received, Requested by, nor any Signs of Currency Located on his Person or Document/Account Relating to Payment
6. The Boat was From America
7. This is The Defendant First arrival No RE-Entry Priors
8. The Defendant was not The Sole Occupant

once The Agent Learned The Defendant was not The Captain They Should of Not Proceed Efforts to manipulate him For Probable Cause. For The offense of this Indictment.

Citing United State v. Smith, 318 F. App'x 780, 792 (11th Cir 2009), (Per-Curiam); United State v. Burbridge, 252 F.2d 175, 178; 5th Cir 2001 "An ordinary Citizen eye identification of Criminal activity and of A Perpetrator is normally Sufficient to Supply Probable Cause to Stop Suspect."

Scott v. Farrell, Civil Action: No. 12-6049 C.E.D. Pa Dec 10, 2012

There is no Requirement that the Police, once they Receive The Eyewitness Identification Conduct Further Investigation or put Contradictory evidence in affidavit Supporting Probable Cause - I.N.C. 797 F.2d 422, 446 (7th Cir-1986) Retacco v. Davis, 2002 WL 32356393 at 7 (E.D. Pa Oct 9, 2002) 76 F. App'x 442 3d Cir 2003

ENTRY (2) OF (5)

9. The Defendant's assertion that he grabbed the vessel wheels at one point to prevent the vessel from crashing and killing everyone aboard is not a substantial basis for probable cause to charge Defendant for Human Trafficking.

10. The agent testifies the Defendant had difficulty ^{attempting} briefly operating the vessel.

11. Unlike this current instance, in *U.S. v. Cartwright*, 413 F.2d 1295, Cartwright also admitted that he followed instructions on where to steer the boat and use a compass to navigate.

12. The Court may please consider *United States v. Abrahams*, No. 18-12, 854 F.3d 1111 (11th Cir. Aug. 16, 2019), "steering a predetermined destination, driving a boat on the ocean to Florida requires skills not possessed by the general public for background." See *United States v. Dela Cruz Suarez*, 601 F.3d 1202, 1219 (11th Cir. 2010); *United States v. Anderson*, 127 F.3d 1314.

Furthermore, the Due Process Clause provides the Defendant with the ability to confront witnesses in his favor such as the other vessel occupants. It was prejudice to dismiss the witnesses without allowing the Defendant to secure favorable testimony.

United State v. Anderson, 942 F.2d 606, 612 (9th Cir. 1991). The treatment of people as mere objects is not tolerable, we, of course, cannot condone their own attempt to enter the country illegally, but we can empathize with their desire to come and see them as victims they often are.

United States v. Eckard, 466 F.3d 938, 947 (11th Cir. 2006). Quotation marks omitted. "A defendant's substantial rights are prejudicial when a reasonable probability arises that, but for the remarks, the outcome of the trial would have been different."

In *U.S. v. Bulman*, 667 F.2d 1374 (11th Cir. 1982), a defendant's right adequately to cross-examine a witness is of course guaranteed by the Sixth Amendment. See, e.g., *Alford v. United States*, 282 U.S. 687, S.Ct. 218, 75 L.Ed. 624 (1931); *United States v. Mayer*, 556 F.2d 245 (5th Cir. 1977). Moreover, "The exposure of a witness' entry (3) of 5"

SERVICE LIST

UNITED STATES OF America v. BAZELAIS FRANCOIS
CASE NO. 23-CR-80184-Damian / REINHART
UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF FLORIDA

U.S. ATTORNEY OFFICE
HONORABLE JUDGE DAMIAN
HONORABLE JUDGE REINHART
CLERK OF COURT SOUTHERN DISTRICT

ENTRY (5) OF (5)

is of course, Guaranteed by the Sixth Amendment See E.G. *Alford v. United States*, 282 U.S. 687, S.Ct. 218, 75 L.Ed. 624 (1931); *United States v. Mayer*, 556 F.2d 245 (5th Cir. 1977). Moreover, "The exposure of a witness' motivation in Testifying is a Proper and Important Function of the Constitutionally Protected Right to Cross-Examination. {Also See}: *Davis v. Alaska*, 415 U.S. 308, 315-16, 94 S.Ct. 1109, 1109-10, 39 L.Ed. 2d 342 (1974), *United States v. Onori*, 535 F.2d 938, 945 (5th Cir. 1976).

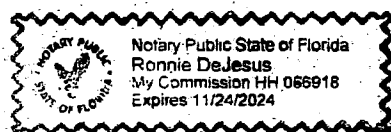
CONCLUSION

The Defendant Actions and Motive Constitute The Statutory Elements of A Violation of ~~ILLEGAL~~ Entry into the United States. The Defendant C to Proclaim as the Captain and Organizer by The Authority Translating Due To His Language Barrier and the Promise He will get Hired as A Driver and will also be Release From Jail in Three Days is unConstitutional. ID *United State v. Anderson*, 942 F.2d 606, 612 (9th Cir. 1991) Citina: The treatment of People as mere objects is not Tolerable, we of course, Cannot Condone there own attempt to enter the Country Illegally, But we Can Empathize with their Desire to Come and See them as Victims they often are.

WHEREFORE, The Defense Humbly Pray Your Honor To Dismiss The Indictment of Human Trafficking against Said Defendant OR To ultimately Downfile The Indictment to Illegal Entry In To The United State of America

Sergeant Ronnie DeJesus #8589
~~8589~~

RESPECTFULLY SUBMITTED,
 FRANCOIS BAZELRIS
 5-3-24



ENTRY (4) OF (5)

Representation

The above Client Respectfully Request Mr. Berry to Adopt the attached motion To Dismiss Or Downfile Indictment The Client further State The Law Specify Anything that is not mentioned on His Federal Court Case Record Can not Be Appealed.

West's F.S.A Bar Rule 4-1.2 Objectives and Scope of Representation (A) Lawyer To Abide by Client's Decisions

Subdivisions (C) and (D) A Lawyer must abide by A Client's Decisions Concerning The Objectives of Representation, and as Required by Rule 4-1.4, MUST Reasonably Consult with the Client as to the means by which they are to be Pursued A Lawyer may take action on behalf of the Client that is implied authorized to carry out a Client decision. A Lawyer must abide by the Client's Decision, After Consultation with the Lawyer..

ID Rule 4-3.2 (Requirement of Lawyer To make Efforts To Expedite LITIGATION)

Rule 4-1.4 (Requires that Lawyer To keep Client's Reasonably Informed;

JAKR#0542875

RESPECTFULLY SUBMITTED,
FRANCIS BAZZELAIS
5/31/24

Attention:

This Letter Originates From The Dade
County Facility Inmate Mail Is Uncensored
The Sheriff Cannot Assume Responsibility
For Its Contents

FILED BY

JUN 13 2024

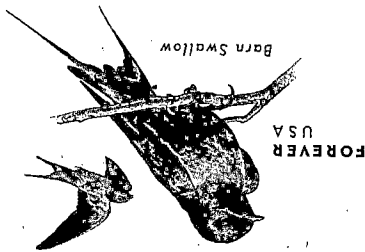
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